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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,807	-05/24/1999	RONALD A KATZ		9574

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EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 12/31/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/317,807

Applicant(s)

KATZ, RONALD A

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 18-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 18-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 28. 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 24, 2002 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 18, 20, 23, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masson et al. (US 4,908,850, hereinafter "Masson") in view of Stephenson et al. (US 3,727,186, hereinafter "Stephenson") for the same reasons given in the last Office action and repeated below.

Masson discloses an interface control system (Fig. 2) comprising:

call data means (channel banks 72);

selection means (system selects from a plurality of different applications ranging from simple information dissemination to automatic order entry with credit verification, order entry including operator assistance; col. 2, lines 40-49; col. 5, lines 37-48);

interconnect switch means (digital cross-connect circuit 70; col. 4, lines 47 - col. 5, line 58).

Masson differs from the claims in that although it does teach determining whether or not a credit card number is authorized (col. 10, lines 1-68), it does not specify the credit verification process as including testing for negative file data. However, Stephenson teaches that it is old and well known in the credit authorization art to test for negative file data (warning file 30) when determining whether or not a credit card number is authorized (col. 5, lines 22-28; col. 6, lines 30-37) and for referring the call to an operator in the event the credit card account is on the warning list (col. 5, lines 22-55; col. 6, lines 30-65; col. 8, lines 23-47) such that it would have been obvious to an artisan of ordinary skill to test for negative file data and refer such "negative" calls to an operator, as taught by Stephenson, within the system of Masson so that calls providing credit card numbers which have been flagged as invalid can be forwarded to an operator for a further authorization check.

Regarding claim 18, Masson provides for certain of said formats requiring credit authorization (col. 9, line 54 - col. 10, line 29).

Regarding claims 20, 26-27, in Masson, the credit card information is stored in the database for future use with regard to the particular calling terminal (col. 10, lines 29-46). Billing charges are computed and stored (col. 10, line 52+).

4. Claims 1, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the article entitled "The AT&T Multi-Mode Voice systems - Full Spectrum Solutions for Speech Processing Applications" by Hester et al. (hereinafter "Hester") in view of Stephenson for the same reasons given in the last Office action and repeated below.

Hester discloses an interface control system (note Fig. 1) comprising:

call data means (trunk interface circuits receive Touch Tone signals and DNIS (page 2, fourth paragraph - page 3, second paragraph);

selection means (selects from many different services based on DNIS and provides connection to live operators; page 3, second paragraph; page 4, third paragraph, lines 1-3);

interconnect switch means (voice switch, Fig. 1).

Hester differs from the claims in that although it does teach credit card authorization (page 1, first paragraph, line 5), it does not specify the credit verification process as including testing for negative file data. However, Stephenson teaches that it is old and well known in the credit authorization art to test for negative file data (warning file 30) when determining whether or not a credit card number is authorized (col. 5, lines 22-28; col. 6, lines 30-37), and for referring the call to an operator in the event the credit card account is on the warning list (col. 5, lines 22-55; col. 6, lines 30-65; col. 8, lines 23-47) such that it would have been obvious to an artisan of ordinary skill to test for negative file data and refer such "negative" calls to an operator, as taught by Stephenson, within the system of Hester so that calls providing credit card numbers which have been flagged as invalid can be forwarded to an operator for a further authorization check.

Regarding claim 22, speech files associated with each format are addressed by the dialed number information (Hester; page 3, second paragraph).

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masson in view of Stephenson, as applied to claim 18, and further in view of Britton et al. (USPN 4,785,408, hereinafter "Britton") for the same reasons given in the last Office action and repeated below.

The combination of Masson and Stephenson differs from claim 19 in that it does not specify executing a test based on the time of call. However, Britton teaches the well known use of time conditions such as time of day, day of week, or day of year (col. 6, lines 32-48) for determining how the call is to be handled such that it would have been obvious to an artisan of ordinary skill to incorporate the use of such time-based conditions, as taught by Britton, within combination of Masson and Stephenson in order to restrict access to certain applications based on the time of day, day of week, or day of year.

6. Claims 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Masson and Stephenson, as applied to claims 1 and 18, and further in view of Entenmann et al. (USPN 4,996,705, hereinafter "Entenmann") for the same reasons given in the last Office action and repeated below.

The combination of Masson and Stephenson differs from claims 21 and 25 in that it does not specify executing a test based on the demographics of the calling terminal or calling number data. However, Entenmann teaches the well known use of calling telephone number data for restricting caller access based on the caller's locale (col. 2, lines 54-62) such that it would have been obvious to an artisan of ordinary skill to incorporate such use restriction in order to prevent certain calling areas from accessing

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specified applications, thus, giving the vendor or sponsor greater flexibility in determining how different applications are accessed.

Response to Arguments

7. Applicant's arguments filed October 24, 2002 have been fully considered but they are not persuasive. In response to applicant's argument that there is no suggestion to combine the references of Masson and Stephenson, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Masson teaches a credit verification operation in which a credit card service is called to obtain credit card authorization (col. 10, lines 1-68). Stephenson teaches the desirability of testing a credit card number against a warning file in a credit verification system (col. 5, lines 22-28; col. 6, lines 30-37). Such a well known credit verification feature, as taught by Stephenson, would have been an obvious incorporation within any system which uses a credit card authorization service, such as the system of Masson.

Applicant argues that Stephenson's system involves "point-of-sale" terminals in which credit cards are inserted. The examiner contends that it is irrelevant as to how the credit card numbers are received in Stephenson. The examiner relied upon Stephenson for its well known credit verification features, that is, testing against a warning list file.

8. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art

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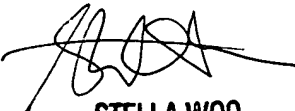
of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


STELLA WOO
PRIMARY EXAMINER